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असाधारण

EXTRAORDINARY

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PART II — Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in the Lok Sabha on 13th May, 2005:—

BILL NO. 58 OF 2005

A Bill further to amend the Indian Penal Code, 1860.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Indian Penal Code (Amendment) Act, 2005.

Short title and
commencement.

(2) It shall come into force at once.

45 of 1860.

2. In section 375 of the Indian Penal Code, 1860, in the *Sixthly* description, for the words, "sixteen years", the words, "eighteen years" shall be substituted.

Amendment
of Section
375.

STATEMENT OF OBJECTS AND REASONS

Incidents of rape are increasing day by day. Since there is not enough evidence in majority of the cases, the guilty are never brought to book. Moreover, due to social stigma, the victims do not come forth to give evidence in courts.

There is a provision in the Indian Penal Code that any sexual intercourse with a woman under sixteen years of age, whether with or without her consent would be treated as rape. But according to law, a person who has attained at least eighteen years of age is considered as an adult and the same should be the age prescribed so far as definition of rape is concerned. In a recent case in Kerala, an accused was set free in a rape case as the victim was seventeen years old *i.e.* one year more than the age as is specified in the Indian Penal Code, 1860.

Therefore, it is proposed to provide that any sexual intercourse with a woman with or without her consent upto eighteen years of age would be treated as rape.

NEW DELHI;
March 29, 2005.

ABDULLAKUTTY

BILL NO. 56 OF 2005

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2005.

Short title.

2. In article 124 of the Constitution, after clause (7), the following clause shall be inserted, namely:—

Amendment
of article
124.

"(8) No person who has held office as a Judge of the Supreme Court of India shall be eligible for any further office either under the Government of India or under the Government of any State after he has ceased to hold his office."

3. In article 217 of the Constitution, after clause (3), the following clause shall be inserted, namely:—

Amendment
of article
217.

"(4) No person who has held office as a Judge of a High Court shall be eligible for any further office either under the Government of India or under the Government of any State after he has ceased to hold his office."

STATEMENT OF OBJECTS AND REASONS

The Judges of the Supreme Court and High Courts are high dignitaries. In the recent past, it has been seen that the Judges are offered lucrative posts after their retirement. In order to maintain dignity of the post, it is proposed to provide that Judges shall not hold any post under the Government after their retirement.

NEW DELHI;
March 29, 2005.

ABDULLAKUTTY

BILL NO. 66 OF 2005

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 2005.

Short title and
commencement.

(2) It shall come into force at once.

2. In the Seventh Schedule to the Constitution,—

Amendment of
the Seventh
Schedule.

(i) In List II, entry 14 shall be omitted.

(ii) In List III, after entry 42, the following new entry shall be inserted, namely:—

"42A. Agriculture, including agricultural education and research,
protection against pests and prevention of plant diseases."

STATEMENT OF OBJECTS AND REASONS

With about two-third of our population dependent on agriculture and agriculture sector accounting for twenty-one percent of the Gross Domestic Product, the importance of agriculture in our country cannot be over-emphasized.

At present agriculture is a State subject included in List II of the Seventh Schedule to the Constitution as item No. 14. As such, the Union Government does not have direct legislative or executive control. Recently a number of problems have come up in the agriculture sector which have affected the agricultural produce and in the current year, agriculture has registered a mere 1.1 percent growth. In order to address the agriculture related problems, it is necessary that uniform measures should be followed for promoting agriculture and also for assisting the agriculturists throughout the country. For this it is essential that agriculture should be transferred from List II (State List) to List III (Concurrent List) in the Seventh Schedule to the Constitution so that the Union Government may put in place farmer-friendly schemes uniformly applicable throughout the country.

Hence this Bill.

NEW DELHI;
April 11, 2005.

DAGGUBATI PURANDESWARI

BILL NO. 67 OF 2005

A Bill to provide for certain welfare measures for commercial crops workers and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Commercial Crops Workers (Welfare) Act, 2005.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires,—

Definitions.

(i) "commercial crops" means and includes rubber, coffee, tea, cashew, spices, cardamom and such other crop as may be declared a commercial crop by the Central Government;

(ii) "fund" means the Commercial Crops Workers Welfare Fund constituted under section 3 of this Act;

(iii) "prescribed" means prescribed by rules made under this Act; and

(iv) "workers" means workers engaged in an activity connected with the production of commercial crop.

Commercial
Crops
Workers
Welfare Fund.

3. (1) The Central Government shall set up a fund to be known as Commercial Crops Workers Welfare Fund.

(2) The fund shall be administered by a Committee consisting of:—

- (i) a Chairman who shall be appointed by the Central Government;**
- (ii) one member to represent commercial crops growers;**
- (iii) one member to represent commercial crops workers; and**
- (iv) one representative from each of the States where commercial crops are grown who shall be nominated by the respective State Governments.**

Contribution
to the fund.

4. (1) The Central Government and every State Government where commercial crops are cultivated, shall contribute to the fund in such ratio as may be prescribed.

(2) The Commercial crops growers shall also contribute to the fund in such ratio as may be determined by the Central Government.

Utilisation
of the fund.

5. The Fund shall be used for the following purposes:—

- (i) payment of unemployment/sustenance allowance to workers during off season period;**
- (ii) free health facilities for the workers and their families in the hospitals to be set up for the purpose;**
- (iii) free educational facilities to the children of workers;**
- (iv) payment of compensation to workers who are injured during work;**
- (v) payment of compensation to families of workers who die in harness;**
- (vi) payment of premium of group life insurance cover of workers;**
- (vii) payment of disability allowance in case of workers who meet with accidents and are not able to work;**
- (viii) payment of old age pension to those workers who have attained sixty years of age and are not gainfully employed;**
- (ix) provision of suitable facilities like canteen, health, recreation, drinking water, etc. at work places; and**
- (x) payment of bonus to workers.**

Power to
make rules.

6. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

Millions of workers are engaged in the commercial crops sector. There is no statutory mechanism for their welfare. In the absence of suitable legislation, they are harassed and denied their rightful dues and benefits.

Therefore, it is proposed to set up a fund for the welfare of commercial crops workers.

Hence this Bill.

NEW DELHI;
April 13, 2005.

ABDULLAKUTTY

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the setting up of a fund for the benefit of commercial crops workers. The fund shall be administered by a Committee. Clause 4 provides that Central Government shall contribute to the fund. Therefore, the Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely that a recurring expenditure of about rupees five hundred crore may be involved every year. A non-recurring expenditure of about rupees one hundred crore will also be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative powers is of a normal character.

G. C. MALHOTRA,
Secretary-General.